



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

10, affirmed on the opinion of Mr. Justice BOOKSTAVEN in 1901, 71 N. Y. Supp. 1134. The plaintiff and the defendants were organized for patriotic purposes and there were allegations that mail had been misdelivered. Nothing was said about donations, although it would seem that gifts had been made. BOOKSTAVEN, J., dismissed the plaintiff's bill, saying: "At the outset it should be noted that this case is unique, in that none of the parties is engaged in any business, in the sense of seeking financial gain." It was evident therefore that the principle of the trade-name cases would not apply. In closing, he said: "Reasons which may be all-sufficient to induce a court to restrain a defendant from making money that a plaintiff is entitled to make may be wholly inadequate to warrant such interference where it is a question of doing good deeds."

NEWSPAPER PUBLICATIONS IN CONTEMPT OF COURT.—Publications in newspapers which have been punished as in contempt of court are of three kinds. The publication may be of matter which according to the rules of legal evidence is inadmissible in a trial of a pending case. Such was the fact in *Telegram Publishing Co. v. Com.* (1899) 172 Mass. 294. The Court for Crown Cases Reserved has recently sustained the conviction of an editor and of a reporter of a newspaper on an indictment charging them with unlawfully attempting to pervert the due course of justice by publishing articles reflecting on the conduct and character of persons then on trial for murder. *King v. Tibbits and Windust* [1902] 1 K. B. 77. The case is of special interest because the prosecution took the form of indictment and trial by jury instead of the now almost universal form of summary proceedings for contempt of court. Usually in cases of this character the remedy by indictment is considered too tardy and too uncertain. *Shipworth's Case* (1873) L. R. 9 Q. B. 230, 233. Indeed, although the case was argued exhaustively by the counsel, the only semblance of actual authority which was found was *Rex v. Williams* (1823) 2 L. J. K. B. O. S. 30, where it was held to be a misdemeanor to prejudice a criminal case by a theatrical representation. In another class of cases the publication is in the nature of a threat or libelous accusation aimed at a judge on account of his attitude in a case still pending before him. *People v. Wilson* (1872) 64 Ill. 195. Such was the recent case of *Hearst's Chicago American* (C. C. Ill.) Chicago Legal News, Nov. 16, 1901, where, after the oral announcement of the court's decision, but before any final order had been made or judgment entered on the record, charges were published that the judge had been corruptly influenced in reaching his decision. The third class comprises those publications which amount merely to libels on the judge, have no reference to pending cases, and can therefore hardly be said to interfere with the due course of justice. This ground of contempt was early recognized by Lord Chancellor HARDWICKE in *Re Read and Huggonson* (1742) 2 Atk. 471. In a case of this character brought up from the province of St. Vincent the Privy Council stated that "committals for contempt by

scandalizing the court itself have become obsolete in this country. Courts are satisfied to leave to public opinion attacks or comments derogatory or scandalous to them." *McLeod v. St. Aubeyn* [1899] A. C. 549, 561. One year later, however, an editor was fined £100 for just such a publication. *Reg. v. Gray* [1900] 2 Q. B. 36. In the United States a publication of this kind was held to be in contempt in a few early cases. *Respublica v. Oswald* (1788) 1 Dall. 319. Although there are later *dicta* to the same effect, no recent case has been found which actually goes so far. There are on the contrary a large number of cases denying any such right. *Dunham v. State* (1858) 6 Ia. 245; *Storey v. People* (1875) 79 Ill. 45, 53. The judge attacked is considered unfitted to try the issue, for the truth of the publication is generally recognized as a defense in these cases. *McClatchy v. Superior Court* (1897) 119 Cal. 413. In New York the whole subject is governed by statute, and it is held that although a false account of proceedings in a court is contempt, a libelous accusation of a judge is not. *People ex rel. Barnes v. Albany Court of Sessions* (1895) 147 N. Y. 290, 297.

The general question is one more of policy than of law. Few will deny the expediency of punishing summarily the publication of matters tending to deprive an accused person of a fair and impartial trial. On the other hand the wisdom of allowing a judge so to punish personal attacks upon himself may well be doubted. As a direct result of the impeachment of Judge Peck of the United States District Court for the district of Missouri for using the power arbitrarily, 5 Crim. Law Mag. 178, Congress passed the act of March 2, 1831, by which the Federal courts are forbidden to punish by contempt proceedings offences not committed in the immediate presence of the court or in resistance to legal process. U. S. Rev. St. § 725. The temptation to use the power unjustly is well illustrated by the case of *State v. Circuit Court* (1897) 97 Wis. 1. A judge, who was a candidate for reelection, was accused by a newspaper of corruption. On being ordered to show cause why he should not be punished for contempt the editor answered that the charges were true. The judge ruled that this was no defense, but a new contempt committed in the face of the court. The Supreme Court, however, reversed this ruling, saying that "it must be a grievous and weighty necessity which will justify so arbitrary a proceeding whereby a candidate for office becomes the accuser, judge and jury and may within a few hours summarily punish his critic by imprisonment." P. 12. All in all the policy of the American courts in restricting summary contempt proceedings against newspapers to cases where the publication tends directly to obstruct or pervert the course of justice in a case then pending in the courts, seems preferable to that of *Reg. v. Gray*, *supra*.

SPECIAL PARTNER AS CREDITOR.—Limited partnerships are not recognized at common law, nor have they ever been authorized by statute in Great Britain. It was from the laws of France that the